

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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JERRY WAYNE SHUE, JR.,)	1:05-cv-00504-AWI-TAG HC
)	
Petitioner,)	ORDER DIRECTING THE CLERK OF COURT
)	TO FILE THE AMENDED PETITION
v.)	LODGED ON JANUARY 30, 2006 (Doc. 15)
)	
)	ORDER DIRECTING THE CLERK OF COURT
JOSEPH L. McGRATH, et al.,)	TO DISREGARD THE AMENDED PETITION
)	LODGED ON JANUARY 26, 2006 (Doc. 17)
Respondents.)	

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. This action has been referred to this Court pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72-302.

PROCEDURAL HISTORY

On January 5, 2006, the Court issued an order requiring Petitioner to file an amended petition within thirty days. (Doc. 13). On January 26, 2006, Petitioner submitted an amended petition which was lodged, but not filed, by the Clerk of the Court. (Doc. 15). On January 30, 2006, Petitioner notified the Court that the previously-lodged amended petition contained errors and that Petitioner wished to submit a corrected amended petition for filing. (Doc. 16). On January 30, 2006, Petitioner submitted a corrected amended petition, which was also lodged, but not filed, with the Court. (Doc. 17).

Because Petitioner's clear intent is to have to latter, rather than the former, amended petition filed with the Court, the Court will direct the Clerk of the Court to disregard the lodged amended petition of January 26, 2006, and to file the lodged amended petition of January 30, 2006.

ORDER

Accordingly, GOOD CAUSE appearing therefor, the Court HEREBY ORDERS that:

1. The Clerk of the Court is DIRECTED to DISREGARD the amended petition lodged on January 26, 2006 (Doc. 15); and,

2. The Clerk of the Court is DIRECTED to FILE the amended petition lodged on January 30, 2006 (Doc. 17).

IT IS SO ORDERED.

Dated: February 17, 2006
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/s/ Theresa A. Goldner
UNITED STATES MAGISTRATE JUDGE